



Practitioner's Docket No.: 789\_070

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Toshikazu HIROTA and Takao OHNISHI

Ser. No.: 09/868,832

Group Art Unit: 1634

Filed: June 21, 2001

Examiner: Forman, B.

For: BIOCHIP

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that on *April 23, 2004* this correspondence is being deposited with the United States Postal Service as first class mail addressed to:

Box Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

*Melissa T. Kuczynski*  
Melissa T. Kuczynski

**COMMENTS ON STATEMENT  
OF REASONS FOR ALLOWANCE**

SIR:

The PTO included an Examiner-Initiated Interview Summary attached to the Notice of Allowability mailed January 30, 2004. The Continuation Sheet attached to the Interview Summary implies that Applicants agree with the Examiner's assertion that the specification is not enabling for capture solutions other than DNA. Applicants' representatives never agreed to that insertion, and, indeed, Applicants have filed a Continuation Application seeking claim coverage for capture solutions not limited to DNA. The Continuation Application has been assigned Serial No. 10/757,264.

April 23, 2004

Date

Respectfully submitted,

*Stephen P. Burr*  
\_\_\_\_\_  
Stephen P. Burr  
Reg. No. 32,970

SPB/mtk

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 025191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320